

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**MICHAEL H. HOLLAND, JOSEPH R.
RESCHINI and CARLO TARLEY as Trustees,
of the UNITED MINE WORKERS OF
AMERICA 1992 BENEFIT PLAN**

Plaintiffs,

v.

CONSOL ENERGY INC.

Defendant.

Civil Action No. 2:17-cv-02091

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant CONSOL Energy, Inc., through and by its counsel, respectfully moves the Court for summary judgment on each of Plaintiffs’ claims inasmuch as there are no genuine issues of material fact and, accordingly, Defendant is entitled to judgment as a matter of law. Defendant’s arguments in support of “Defendant’s Motion for Summary Judgment” are set forth fully in its “Memorandum of Law in Support of Defendant’s Motion for Summary Judgment,” which is being filed contemporaneously with this Motion and is incorporated into it fully by reference.

Defendant also submits the following Exhibits in support of its Motion:

- Exhibit A – Plaintiffs’ Response to Defendant CONSOL’s First Request for Admissions, dated September 5, 2017;

- Exhibit B – Supplemental Declaration of Deborah J. Lackovic, dated October 13, 2017;
- Exhibit C – Plaintiffs’ Response to Defendant’s First Set of Interrogatories, dated September 5, 2017;
- Exhibit D – Coal Commission Report to the Secretary of Labor and the American People, November 1990;
- Exhibit E – Plaintiffs’ Comparison “CONSOL Coal Act Plan Document Oct 2016 Comp to Model Coal Act Aug 2017 highlighted”.

Respectfully submitted this 13th day of October, 2017

/s/ John R. Woodrum

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CERTIFICATE OF SERVICE

This is to certify that on this 13th day of October 2017 true and correct copies of the foregoing Defendant's Motion for Summary Judgment, Exhibits A through E and Proposed Order were filed using the CM/ECF System which will send notification of such filings to appropriate CM/ECF participants as follows:

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